

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicants thank the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-39 were pending in the referenced application. Claims 2 and 20 are cancelled by this reply without prejudice or disclaimer. With respect to the remaining claims, claims 1, 19, 30, and 39 are independent. The remaining claims depend, directly or indirectly, from claims, 1, 19, and 30.

Drawings

Applicants thank the Examiner for indicating that the originally filed drawings are acceptable.

Claim Amendments

Independent claims 1, 19, 30, and 39 are amended to clarify various aspects of the invention. Support for these amendments may be found, for example, in originally filed claims 2 and 20, paragraphs [0019], [0021], [0024], [0026], [0028]-[0030], [0042], [0054], [0059], [0060], and Figure 3-5 of the originally filed specification. Further, claims, 3, 9, 10, 12, 13, 22, 23, 25, and 26 are amended to clarify the functionality of various elements of the claimed invention. Support for these amendments may be found, for example, in the originally filed claims. No new matter has been added by any of the aforementioned amendments.

Rejections under 35 U.S.C. § 103Law

MPEP §2143 states that “the key to supporting any rejection under 35 U.S.C. §103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1739, 75 U.S.L.W. 4289 (2007) noted that the analysis supporting a rejection under 35 U.S.C. § 103 should be made explicit. *See*, MPEP § 2143.

In particular, the Examiner “must articulate the following: (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference; ...” MPEP § 2143(A).

Claims 1-7, 9, 10, 12, 13 15, 19-23, 25-26, 30, 33, 35-37, and 39

Claims 1-7, 9, 10, 12, 13 15, 19-23, 25-26, 30, 33, 35-37, and 39 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Application Publication No. US 2004/0128508 (“Wheeler”) in view of U.S. Patent No. 6,195,242 (“Ward”). Claims 2 and 20 are cancelled by this reply. Accordingly, this rejection is now moot with respect to the cancelled claims. With respect to the pending claims, to the extent that this rejection applies to the amended claims, the rejection is traversed.

Amended independent claim 1 recites in part, (i) an electronic access control system operatively connected to an access administration system over cable network infrastructure, wherein

the electronic access control system is configured to grant access to the cable distribution box upon receiving verification of the authentication information and (ii) a lock operatively connected to the access control system, wherein the lock is configured to receive a signal from the access control system to electronically unlock the cable distribution box when access to the cable distribution box is granted.

Turning to the rejection, the Examiner admits that Wheeler fails to teach or suggest (i) a cable distribution box and (ii) that the access control system grants access to the cable distribution box. *See* Office Action mailed August 21, 2008, p. 3. Instead, the Examiner relies on Ward to disclose the aforementioned limitations. Applicants disagree with this characterization of Ward. Specifically, Ward is directed to protecting critical exposed areas of a service line (*i.e.*, a cable) between a local distribution unit and a customer. The protection, as disclosed in Ward, merely involves physically covering various areas of the service line that are deemed critical. In particular, the physical protection includes a combination of PVC tubing and flexible metal conduit (Ward, col. 4, ll. 35-67).

While Ward teaches a cable distribution box, the protection mechanisms in Ward does not have anything to do with granting access to the cable distribution box (or limiting access to the cable distribution box). Rather, the protection mechanisms disclosed in Ward are limited to physical protection of the service line. Further, there is no teaching or suggestion in Ward of an electronic access control system which enables electronic unlocking of the cable distribution box upon successful verification of the authentication information. Said another way, Ward does not teach or suggest any elements that provided electronic access to the cable distribution box upon successful verification of the authentication information.

Moreover, neither Wheeler nor Ward teach or suggest communicating authentication information for use in determining access to a cable distribution box over cable network infrastructure.

In view of the above, Wheeler and Ward, whether considered separately or in combination, teach or suggest all the limitations of amended independent claim 1. Accordingly, amended independent claim 1 is patentable over Wheeler and Ward. Amended independent claims 19¹, 30, and 39 include at least the same patentable limitations as amended independent claim 1 and, accordingly, are patentable over Wheeler and Ward. Dependent claims are patentable over Wheeler and Ward for at least the same reasons as the aforementioned amended independent claims. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 8

Claim 8 stands rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Application Publication No. US 2004/0128508 (“Wheeler”) in view of U.S. Patent No. 6,195,242 (“Ward”) and U.S. Patent No. 6,472,973 (“Harold”). To the extent that this rejection applies to the amended claims, the rejection is traversed.

As discussed above, Wheeler and Ward fail to teach or suggest all the limitations of amended independent claim 1. Further, Harold does not teach or suggest that which Wheeler and Ward lack as evidenced by the fact that Harold is only relied upon to teach “functionality to disable the access card.” See Office Action mailed August 21, 2008, p. 10.

¹ Please note that unlike amended independent claims 1, 30, and 39, amended claim 19 does not require communication over cable network infrastructure.

In view of the above, Wheeler, Ward, and Harold, whether considered separately or in combination, teach or suggest all the limitations of amended independent claim 1. Accordingly, amended independent claim 1 is patentable over Wheeler, Ward, and Harold. Dependent claim 8 is patentable over Wheeler, Ward, and Harold for at least the same reasons as the aforementioned amended independent claim. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 11, 24, 31, and 32

Claims 11, 24, 31, and 32 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Application Publication No. US 2004/0128508 (“Wheeler”) in view of U.S. Patent No. 6,195,242 (“Ward”) and U.S. Patent Application Publication No. US 2002/0147982 (“Naidoo”). To the extent that this rejection applies to the amended claims, the rejection is traversed.

As discussed above, Wheeler and Ward fail to teach or suggest all the limitations of amended independent claim 1. Further, Naidoo does not teach or suggest that which Wheeler and Ward lack as evidenced by the fact that Naidoo is only relied upon to teach sending alerts and monitoring the cable distribution box. See Office Action mailed August 21, 2008, pp. 11-13.

In view of the above, Wheeler, Ward, and Naidoo, whether considered separately or in combination, teach or suggest all the limitations of amended independent claim 1. Accordingly, amended independent claim 1 is patentable over Wheeler, Ward, and Naidoo. Amended independent claims 19 and 30 include at least the same patentable limitations as amended independent claim 1 and, accordingly, are patentable over Wheeler, Ward, and Naidoo. Dependent claims 11, 24, 31, and 32 are patentable over Wheeler, Ward, and Naidoo for at least the same

reasons as the aforementioned amended independent claims. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 14, 27, and 34

Claims 14, 27, and 34 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Application Publication No. US 2004/0128508 (“Wheeler”) in view of U.S. Patent No. 6,195,242 (“Ward”) and U.S. Patent Application Publication No. US 2004/0050930 (“Rowe”). To the extent that this rejection applies to the amended claims, the rejection is traversed.

As discussed above, Wheeler and Ward fail to teach or suggest all the limitations of amended independent claim 1. Further, Rowe does not teach or suggest that which Wheeler and Ward lack as evidenced by the fact that Rowe is only relied upon to teach encrypted communication. See Office Action mailed August 21, 2008, pp. 13-14.

In view of the above, Wheeler, Ward, and Rowe, whether considered separately or in combination, teach or suggest all the limitations of amended independent claim 1. Accordingly, amended independent claim 1 is patentable over Wheeler, Ward, and Rowe. Amended independent claims 19 and 30 include at least the same patentable limitations as amended independent claim 1 and, accordingly, are patentable over 14, 27, and 34. Dependent claims 14, 27, and 34 are patentable over Wheeler, Ward, and Rowe for at least the same reasons as the aforementioned amended independent claims. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 16, 17, 18, 28, 29, and 38

Claims 16, 17, 18, 28, 29, and 38 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Application Publication No. US 2004/0128508 (“Wheeler”) in view of U.S. Patent No. 6,195,242 (“Ward”) and U.S. Patent Application Publication No. US 2004/0071382 (“Rich”). To the extent that this rejection applies to the amended claims, the rejection is traversed.

As discussed above, Wheeler and Ward fail to teach or suggest all the limitations of amended independent claim 1. Further, Rich does not teach or suggest that which Wheeler and Ward lack as evidenced by the fact that Rich is only relied upon to teach using current from a cable line. See Office Action mailed August 21, 2008, pp. 14-16.

In view of the above, Wheeler, Ward, and Rich, whether considered separately or in combination, teach or suggest all the limitations of amended independent claim 1. Accordingly, amended independent claim 1 is patentable over Wheeler, Ward, and Rich. Amended independent claims 19 and 30 include at least the same patentable limitations as amended independent claim 1 and, accordingly, are patentable over 16, 17, 18, 28, 29, and 38. Dependent claims 16, 17, 18, 28, 29, and 38 are patentable over Wheeler, Ward, and Rich for at least the same reasons as the aforementioned amended independent claims. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicants believe this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17065/004001).

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Respectfully submitted,

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